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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kevin J. Tracey and Hong Wang  
Application No.: 10/729,427 Group Art Unit: 1614  
Filed: December 5, 2003 Examiner: Not Yet Assigned  
Confirmation No.: 8405  
Title: Inhibition of Inflammation Using  $\alpha 7$  Receptor-Binding Cholinergic Agonists

CERTIFICATE OF MAILING OR TRANSMISSION	
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INFORMATION DISCLOSURE STATEMENT

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P.O. Box 1450  
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Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
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(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☒ Copies of the cited references are enclosed.
    - ☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
  - ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
  - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
  - ☒ The "concise explanation" requirement (non-English references) for reference AP under 37 CFR 1.98(a)(3) is satisfied by:
    - ☐ the explanation provided on the attached sheet.
    - ☐ the explanation provided in the Specification.
    - ☐ submission of the enclosed International Search Report.
    - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
    - ☒ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_  
Examiner

\_\_\_\_\_  
Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.


It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
Alexander Akhiezer

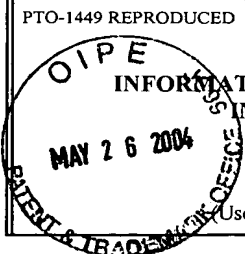
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Concord, MA 01742-9133

Dated: 5/24/04

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 3268.1005-001		APPLICATION NO. 10/729,427	
 <p>April 30, 2004</p> <p>(Use several sheets if necessary)</p>		FIRST NAMED INVENTOR Kevin J. Tracey, <i>et al.</i>		FILING DATE December 5, 2003	
		EXAMINER Not Yet Assigned		CONFIRMATION NO. 8405	

## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	5,741,802	04-21-1998	Kem, <i>et al.</i>
	AB	5,902,814	05-11-1999	Gordon, <i>et al.</i>
	AC	5,977,144	11-02-1999	Meyer, <i>et al.</i>
	AD	5,998,429	12-07-1999	Macor, <i>et al.</i>
	AE	6,054,434	04-25-2000	Kropp, <i>et al.</i>
	AF	6,110,914	08-29-2000	Phillips, <i>et al.</i>
	AG	6,232,319 B1	05-15-2001	Marazano, <i>et al.</i>
	AH	US 2002/0040035 A1	04-04-2002	Myers, <i>et al.</i>
	AI	6,369,224 B1	04-09-2002	Phillips, <i>et al.</i>
	AJ	6,407,095 B1	06-18-2002	Lochhead, <i>et al.</i>
	AK	6,432,975 B1	08-13-2002	Schmitt, <i>et al.</i>
	AA2	6,441,049 B2	08-27-2002	Reitz, <i>et al.</i>
	AB2	6,479,172 B2	11-12-2002	Hu, <i>et al.</i>
	AC2	6,479,510 B2	11-12-2002	Myers, <i>et al.</i>
	AD2	6,486,172 B2	11-26-2002	Myers, <i>et al.</i>
	AE2	6,492,386 B2	12-10-2002	Myers, <i>et al.</i>
	AF2	6,500,840 B2	12-31-2002	Myers, <i>et al.</i>
	AG2	6,538,003 B1	03-25-2003	Galli, <i>et al.</i>
	AH2	6,562,816 B2	05-13-2003	Wishka, <i>et al.</i>
	AI2	6,569,865 B2	05-27-2003	Eifion
	AJ2	US 2003/0105089 A1	06-05-2003	Wishka, <i>et al.</i>
	AK2	US 2003/0119837 A1	06-26-2003	O'Neill, <i>et al.</i>
	AA3	US 2003/0130305 A1	07-10-2003	Walker, <i>et al.</i>
	AB3	6,599,916 B2	07-29-2003	Myers, <i>et al.</i>
	AC3	US 2003/0149065 A1	08-07-2003	Loch III, <i>et al.</i>
	AD3	US 2003/0153595 A1	08-14-2003	Walker, <i>et al.</i>

EXAMINER	DATE CONSIDERED
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PTO-1449 REPRODUCED  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>April 30, 2004</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3268.1005-001		APPLICATION NO. 10/729,427	
	FIRST NAMED INVENTOR Kevin J. Tracey, <i>et al.</i>		FILING DATE December 5, 2003	
	EXAMINER Not Yet Assigned	CONFIRMATION NO. 8405	GROUP 1614	

## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AE3	US 2003/0176416 A1	09-18-2003	Peters, <i>et al.</i>
	AF3	US 2003/0176702 A1	09-18-2003	Walker, <i>et al.</i>
	AG3	6,635,645 B1	10-21-2003	Lothead, <i>et al.</i>
	AH3	6,552,012	04-22-2003	Peters, <i>et al.</i>
	AI3	6,492,385	12-10-2002	Myers, <i>et al.</i>
	AJ3	US 2002/0086871 A1	07-04-2002	O'Neill, <i>et al.</i>

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	AL	WO 01/85727 A1	11-15-2001	Novartis AG		
	AM	WO 02/44176 A1	06-06-2002	Neurosearch A/S		
	AN	WO 02/057275 A1	07-25-2002	University of Kentucky Research Foundation		
	AO	WO 03/032897 A2	04-25-2003	Astrazeneca AB		
	AP	WO 03/078431 A1	09-25-2003	Joachim Luithle, <i>et al.</i>		X
	AQ	JP 2002-030084 (Patent Abstract)	01-29-2002	Mitsubishi Pharma Corp.		

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Wang, <i>et al.</i> , "Nicotinic acetylcholine receptor $\alpha 7$ subunit is an essential regulator of inflammation," <i>Nature</i> , pp. 1-4 (2002).
	AS	Borovikova, <i>et al.</i> , "Vagus nerve stimulation attenuates the systemic inflammatory response to endotoxin," <i>Nature</i> , 405: 458-462 (2000).
	AT	Tracey, Kevin J., <i>et al.</i> , "Mind over immunity," <i>FASEB J.</i> , 15(9): 1575-1576 (2001).
	AU	Meyer, Edwin M., <i>et al.</i> , "3-[2,4-Dimethoxybenzylidene]anabaseine (DMXB) selectively activates rat $\alpha 7$ receptors and improves memory-related behaviors in a mecamylamine-sensitive manner," <i>Brain Res.</i> , 768(1-2): 49-56 (1997).

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	FIRST NAMED INVENTOR Kevin J. Tracey, <i>et al.</i>		FILING DATE December 5, 2003	
	EXAMINER Not Yet Assigned		CONFIRMATION NO. 8405	GROUP 1614

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
AV	Alkondon, M., <i>et al.</i> , "Choline is a Selective Agonist of $\alpha 7$ Nicotinic Acetylcholine Receptors in the Rat Brain Neurons," <i>Eur. J. Neurosci.</i> , 9(12): 2734-2742 (1997).	
AW	Levin, E.D., <i>et al.</i> , "AR-R17779, an $\alpha 7$ nicotinic agonist, improves learning and memory in rats," <i>Behav. Pharmacol.</i> , 10(6-7): 675-680 (1999).	
AX	Kem, William R. "The brain $\alpha 7$ nicotinic receptor may be an important therapeutic target for the treatment of Alzheimer's disease: studies with DMXBA (GTS-21)," <i>Behav. Brain Res.</i> , 113: 169-181 (2000).	
AY	Broad, Lisa M., <i>et al.</i> , "PSAB-OFP, a selective $\alpha 7$ nicotinic receptor agonist, is also a potent agonist of the 5-HT <sub>3</sub> receptor," <i>Eur. J. Pharmacol.</i> , 452(2): 137-144 (2002).	
AZ	Francis, Michael M., <i>et al.</i> , "Specific Activation of the $\alpha 7$ Nicotinic Acetylcholine Receptor by a Quaternary Analog of Cocaine," <i>Mol. Pharmacol.</i> , 60(1): 71-79 (2001).	
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EXAMINER	DATE CONSIDERED
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